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July 2, 1954  
Opinion No. 54-100

TO: Miss Karin Stallcup  
Adoption Examiner  
Juvenile Court  
Pima County  
Tucson, Arizona

RE: Step-Parent Adoptions

QUESTION: In an adoption where one of the natural parents is the spouse of the adopting parent, what effect does the adoption have on the relationship of the adopted child to its other natural parent?

The answer to your question lies in an analysis and interpretation of Section 27-207 (b), which reads as follows:

"27-207. Relation of parent and child and effect of orders.--"

\* \* \* \* \*

(b) Notwithstanding any of the provisions of subsection (a), in the event one of the natural parents is the spouse of the adopting parent, the relationship, rights, privileges and obligations of the child to such natural parents and of the natural parents to the child shall remain unchanged by the adoption."

You asked in your letter of June 1 whether or not there was an error in the foregoing statute in that the word "parents" (plural) was used rather than the singular word "parent". I have checked the legislative history of this Bill, particularly as contained in the report of the State Bar Committee on Adoptions and Child Welfare, dated May 5, 1952, and it is apparent that the plural word "parents" was not used through mistake or inadvertence.

The Bill as originally introduced used the word "parent", but was amended in committee of the whole to its present form ostensibly to give the child adopted by a step-parent and one natural parent the right to inherit from both natural parents as well as its adoptive parent. The language used in this section goes further

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than that, however, and provides that "the relationship, rights, privileges and obligations of the child to such natural parents and of the natural parents to the child shall remain unchanged by the adoption."

It is the opinion of this office that Section 27-207 (b), supra, must, to carry out the legislative intent, be interpreted literally, so that a child who is adopted by his step-parent and one natural parent not only retains the right to inherit from both his natural parents, but the relationship of the child to both his natural parents is such that all the concomitant rights and duties thereof remain unchanged by the adoption. The net result of the necessarily literal application of this statute is that a child adopted by one natural parent and a step-parent is placed in the anomalous situation of having, in effect, two fathers or two mothers, whichever the case may be, both with equal rights.

ROSS F. JONES  
The Attorney General

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Special Assistant to  
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RDB:ecq

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